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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,883	12/09/2003	John W. Matthews	SF-2	6936

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EXAMINER	
HAN, JASON	
ART UNIT	PAPER NUMBER
2875	

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/732,883	MATTHEWS ET AL.	
	Examiner	Art Unit	
	Jason M. Han	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-3 and 5-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The indicated allowability of Claims 1-3 and 5-15 is withdrawn in view of the newly discovered reference(s) to Chapman (U.S. Publication 2004/0190286). Rejections based on the newly cited reference(s) follow.

Claim Objections

2. Claim 9 is objected to because of the following informalities: Grammatical error – "wherein the flashlight wherein the second switch". Appropriate correction is required.

The following claims have been construed in light of the specification, but rendered the broadest interpretation as stated by the Applicant within the context of the claim language [MPEP 2111].

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 5, 11-12, and 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Chapman (U.S. Publication 2004/0190286).

4. With regards to Claim 1, Chapman discloses a flashlight including:

- A lamp [Figures 1, 21, 40: (306)];
- A power storage element [Figures 1, 21, 40: (90)];
- A first switch [Figures 1, 21, 40: (60)];
- A second switch [Figures 1, 21, 40: (410)];
- An electronic controller [Figure 40: (430)];
- The controller having a first switch input connected to the first switch [Figure 40];
- The controller having a second switch input connected to the second switch [Figure 40];
- The controller being operable in response to actuation of the first switch to deliver power to the lamp [Page 6, Paragraph 87]; and
- The controller being operable in response to a signal received from the second switch to establish a degree of the delivered power, such that the second switch determines a brightness of the lamp [Page 6, Paragraph 87]; and
- Wherein the flashlight is an elongated body [Figure 21] defining an axis, and the second switch is a ring rotatable about the axis [Page 6, Paragraph 91-92].

5. With regards to Claim 2, Chapman discloses the second switch being operably connected directly to the second switch input, such that is does not intervene between the power storage element and the lamp [Figure 40; Paragraph 87].

6. With regards to Claim 5, it is inherent that Chapman includes a leak-resistant housing defining a chamber [Paragraphs 6, 57, 64 88], wherein the second switch is positioned outside the chamber [Page 6, Paragraph 91].

7. With regards to Claim 11, Chapman discloses the second switch being movable through a range of angular positions, and the controller being operable to establish the degree of power level based on the absolute position of the switch [Page 6, Paragraph 91].

8. With regards to Claim 12, Chapman discloses the second switch being movable through a range of angular positions, and the controller being operable to establish the degree of power level based on a duration of a rotational force applied to the second switch [Page 6, Paragraph 91].

9. With regards to Claim 14, Chapman discloses the controller being operable to provide sustained illumination of the lamp at a limited first brightness level in response to application of a limited first degree of axial force in a first direction to one of the first and second switches, and to maintain illumination of the lamp in response to cessation of the force [Page 6, Paragraphs 86-91].

10. With regards to Claim 15, Chapman discloses the controller being operable while providing sustained illumination after cessation of the force to cease illumination in response to a second application of axial force in the first direction to one of the first and second switches [Page 6, Paragraphs 86-91].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman (U.S. Publication 2004/0190286).

Chapman discloses the claimed invention as cited above. In addition, Chapman teaches an elongated body/housing having at least two independent electrical paths between first and second ends thereof [Figures 1, 21, 40], but does not specifically teach the flashlight having the first switch at a first end and the lamp at an opposed second end, whereby the second switch is closer to the second end than the first end (re: Claim 3); nor teaches the lamp at a first end and the first switch at an opposed second end (re: Claim 13).

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the first switch at a first end opposite to the lamp at a second end where the second switch is also closer to, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japiske*, 86 USPQ 70. In this case, it might be preferable to have the main on/off first switch at the rear end opposite to the lamp, while the second switch is located closer to the front end to provide the user easy access in adjusting the intensity during use.

12. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman (U.S. Publication 2004/0190286) as applied to Claim 5 above, and further in view of Coffman (U.S. Patent 4782432).

Chapman discloses the claimed invention as cited above, but does not specifically teach the second switch including a sensor component (re: Claim 6), said component being a magnetic field sensor (re: Claim 7), said component being electrically isolated from the second switch (re: Claim 8), nor said second switch including a magnet (re: Claim 9).

However, Coffman teaches, "It also is appreciated that, while collar 18 preferably is rotatably mounted on or adjacent front cap 20, this rotatable collar may be located at any desired location along device 10. The magnetic reed switches will, of course, be disposed opposite the magnetic elements mounted on the collar. As an alternative, however, rotatable collar 18 may be replaced by a longitudinal slider on which magnetic elements M1 and M2 are mounted; and magnetic reed switches S1 – S4 may be arranged in a linear array beneath this slider and individually actuated by the magnetic elements. As yet another alternative, although two magnetic elements have been proposed, it is appreciated that, if desired, only a single magnetic element may be used together with an additional magnetic reed switch. As a still further embodiment, other proximity sensing devices may be used in place of the magnetic reed switches and magnetic elements described herein. For example, Hall effect devices may be used, although such devices are known, at the present time, to draw current from, for example, battery 38 even in their quiescent modes. Still further, a position detector may

be used to sense the angular position of collar 18 (or the longitudinal position of the above-mentioned slider) and to produce a plural bit digital signal representative thereof. This plural bit digital signal may cause the selected energization of a desired one of the above-mentioned functions of light device 10 [Column 13, Lines 34-61]."

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify the flashlight of Chapman to incorporate the rotatable, magnetic switch of Coffman in order to provide a multifunction switching arrangement that is particularly resistant to corrosion and damage due to water [see Coffman: Column 2, Lines 12-17].

13. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman (U.S. Publication 2004/0190286) as applied to Claim 1 above, and further in view of Hauck (U.S. Patent 5790013).

Chapman discloses the claimed invention as cited above, but does not specifically teach a plurality of different color lamp components.

Hauck teaches a plurality of different color lamp components [Figure 6: (7-9)], wherein a controller [Figure 6: (100)] is operable in response to a signal received from a second switch [Figure 6: (4-6)] to provide a selected power to at least one of the lamp components to provide a selected output color.

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify the flashlight of Chapman to incorporate the different color lamp components of Hauck in order to provide an aesthetic appeal and greater control with respect to illumination.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason M Han
Examiner
Art Unit 2875

JMH (4/13/2006)

ALAN CARIASO
PRIMARY EXAMINER